



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Western Region Salem Office

4026 Fairview Industrial Dr SE

Salem, OR 97302

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TTY 711

June 4, 2025

Mike Solomon, General Manager  
Diamond Hill L.L.C.  
PO Box 706  
Harrisburg, OR 97446

Re: Pre-enforcement Notice  
Sherman Bros. Trucking Stabilization Lagoons  
2025-PEN-9899  
NPDES Permit #101557, EPA ID OR0021954  
File 36646  
WQ-Linn County

Dear Mr. Solomon:

DEQ has completed a records review for Sherman Bros. Trucking Stabilization Lagoons to determine compliance with the conditions of National Pollutant Discharge Elimination System permit number 101557, issued to Diamond Hill L.L.C., on January 23, 2014. The findings are summarized below.

### Records Review

I reviewed records from January 2025 through April 2025. Diamond Hill LLC has submitted all monthly discharge monitoring reports (DMR) on time in NetDMR.

### Schedule A Violations

1. Schedule A of the permit requires Diamond Hill LLC to meet various permit limits as listed in Table A1 and Table A2. Diamond Hill LLC violated their permit as show in the tables below.

Class I violations are the most serious violations; Class III violations are the least serious. Compliance with your permit is required by Oregon Revised Statute 468B.025(2).

These are serious violations and, accordingly, they are being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of a civil penalty and/or DEQ order. Civil penalties can be assessed for each day of violation.

Diamond Hill LLC

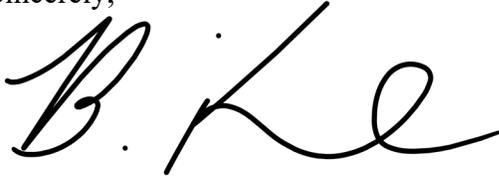
June 4, 2025

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If you believe any of the facts in this pre-enforcement notice are in error, you may provide information to me at the office at the address shown at the top of this letter. DEQ will consider the new information you submit and take appropriate action.

If you have any questions, please contact me in writing at [brenda.kuiken@deq.oregon.gov](mailto:brenda.kuiken@deq.oregon.gov) or by phone at (503) 893-0924.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Kuiken'. The signature is fluid and cursive, with a large 'B' and 'K'.

Brenda Kuiken

WQ Compliance Specialist

cc: DEQ Salem Office file

ec: Ranei Nomura, Manager, Western Region DEQ  
Oregon Records Management Solution  
Kerstin Beerweiler, Delta ESI  
Secret Spencer, Manager

**Table 1 - Total Suspended Solids Load Limit Violations**

Exceeded monthly average, weekly average, and/or daily maximum limits of 12, 18, and 24 pounds per day, respectively, as follows:

Monitoring Period	Limit	Reported or Corrected Value	Percentage Over Limit	Violation Class
February 2025	Monthly average	18 mg/L	50%	II
Week of Feb 16, 2025	Weekly average	20 mg/L	11%	III

Violating TSS loading limits is a Class II violation if the discharge level exceeds the limit by 20% or more but less than 50% per OAR 340-012-0055(2)(a); and a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(3)(b).

**Table 2 – Total Suspended Solids Concentration Limit Violations**

Exceeded monthly average and/or weekly average limits of 50 and 80 mg/L, respectively, as follows:

Monitoring Period	Limit	Reported or Corrected Value	Percentage Over Limit	Violation Class
January 2025	Monthly average	53	6%	III
February 2025	Monthly average	81	62%	I
Week of Feb 16, 2025	Weekly average	96	20%	II

Violating TSS Concentration limit is a Class I violation if the discharge level exceeds the limit by 50% or more per OAR 340-012-0055(1)(k); a Class II violation if the discharge level exceeds the limit by 20% or more but less than 50% per OAR 340-012-0055(2)(a); and a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(3)(b).

**Table 3 – pH Limit Violations**

Exceeded the compliance range of 6.5 to 8.5 as follows:

Monitoring Period	Parameter	Reported Value	Over/Under Limit by how much?	Violation Class
Feb 18, 2025	Daily maximum	8.6	0.1	III
Feb 21, 2025	Daily maximum	8.6	0.1	III

If the discharge is outside the permitted pH range by 1 pH unit or less, it is a Class III violation per OAR 340-012-0055(3)(b).

**Table 4 – *E. coli* Limit Violations**

Exceeded the limits of 126 organisms per 100 mL, monthly geometric mean or 406 organisms per 100 mL for a single sample, as follows:

Monitoring Period	Parameter	Reported Value	Limit	Less than factor of 5?	Violation Class
January 14, 2025	Daily maximum	1600	2030	Yes	III
January 16, 2025	Daily maximum	1000	2030	Yes	III
January 17, 2025	Daily maximum	3130	2030	No	II
January 17, 2025	Daily maximum	1550	2030	Yes	III
January 17, 2025	Daily maximum	1700	2030	Yes	III
January 22, 2025	Daily maximum	650	2030	Yes	III
January 2025	Monthly geometric mean	442	2210	Yes	III

If the discharge exceeds a bacteria limit by less than 5 times the limit, it is a Class III violation per OAR 340-012-0055(3)(b).

**Table 5 – Incorrect Calculations and Reporting in NetDMR**

Monitoring Period	Parameter	Reported Value	Correct Value	Violation Y/N
February 2025	<i>E. coli</i> monthly geometric mean, #/100 mL	86	126	N